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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,043	12/11/2003	Valerie M. Bennett	RSW920030296US1	8736
25260	7590	06/27/2006	EXAMINER	
MARCIA L. DOUBET P. O. BOX 422859 KISSIMMEE, FL 34742			PONIKIEWSKI, TOMASZ	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,043	<b>Applicant(s)</b> BENNETT ET AL.	
	<b>Examiner</b> Tomasz Ponikiewski	<b>Art Unit</b> 2165	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/11/2003</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

Claims 1-21 are pending.

### ***Claim Objections***

1. Claims 1, 3, 5, 8, 11, and 18-21 recite the word "for" in the body of the claims. It indicates intended use and as such does not carry patentable weight. The word could be changed to recite "to". The limitations following the phrase "for" describes only intended use but not necessarily required functionality of the claim. Limitations following the phrase "for" do not carry patentable weight, which cause the claims to appear as a series of non-functional descriptive material/data without any functional relation with each other. Applicant is required to amend the claims so that the claim limitations are recited in a definite form. For example, claim 5 recites "parameters for use" should be "parameters to" or "parameters that".

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-5, 12-14 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4-5, 14 and 19 all recite, "enabling". Enabling does not mean that the step is being accomplished. It suggests a capability but not necessarily taking place. It should be deleted or amended to recite definite language i.e. "configured to".

Claim 4 recites the limitation "the user" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 12-13 recite the limitation "the set" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 5, 8, 11 and 20-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 5, 8, 11 and 20-21 do not list any hardware (i.e. computer) tied to the steps in order to store results or operate the steps of the claims therefore resulting in software only implementation. Claim should be amended to include some sort of computer or hardware. Furthermore, there appears to be no outcome to claim 1 since the query never takes place. Similarly, claims 5, 8, 11, and 20-21 have the same deficiency.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 4-6, 8-9, 11-16 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (US 6,985,899 B2).

As per claim 1 Chan et al. is directed to a method of programmatically building queries, comprising steps of:

programmatically identifying, for a content source, at least one element thereof as candidate query parameters (figure 5, 504; column 6, lines 13-15; wherein “parameters” could mean “predicates”);

and providing the identified parameters for use in carrying out a query of the content source (column 6, lines 16-19).

As per claim 2 Chan et al. is directed to the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the content source (column 6, lines 28-38).

As per claim 4 Chan et al. is directed to comprising the steps of:  
enabling a user to request addition of parameters for the query (column 6, lines 22-23);  
and programmatically identifying at least one query extension parameter for the query, responsive to a request from the user (column 6, lines 36-38; wherein “extension parameter” could mean “where clause”);  
and wherein the providing step further comprises also providing the at least one programmatically-identified query extension parameter (column 6, lines 16-19).

As per claim 5 Chan et al. is directed to a method of programmatically building queries, comprising steps of:  
enabling a user to identify elements of a content source as query parameters (column 6, lines 22-23);  
programmatically identifying, for at least one of the query parameters, values to use as candidate values in a query of the content source (figure 2, 206; column 5, line 35; wherein the identified values are listed in dropdown box);  
and providing the identified values and the query parameters for use in carrying out a query of the content source (figure 2, 206; column 5, line 35).

As per claim 6 Chan et al. is directed to the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the content source (column 6, lines 28-38).

As per claim 8 Chan et al. is directed to a method of programmatically building queries, comprising steps of:

programmatically identifying, for at least one query parameter to be used when querying a content source, one or more candidate query qualifiers (figure 5, 504; column 6, lines 13-15; wherein "parameters" could mean "predicates");

and providing the identified qualifiers and the query parameters for use in carrying out a query of the content source (column 6, lines 16-19).

As per claim 9 Chan et al. is directed to the programmatically identifying step further comprises the step of consulting a lookup table using information regarding the content source (column 6, lines 28-38).

As per claim 11 Chan et al. is directed to a method of programmatically building queries, comprising steps of:

obtaining a set of one or more query parameters for querying a content source (figure 5, 504; column 6, lines 13-15; wherein "parameters" could mean "predicates");

and programmatically identifying, for the obtained query parameters, one or more candidate extensions thereto which are usable for querying the content source (column 6, lines 16-19).

As per claim 12 Chan et al. is directed to the obtaining step further comprises obtaining the set as input from a user (column 6, lines 22-23).

As per claim 13 Chan et al. is directed to the obtaining step further comprises programmatically determining the set (column 6, lines 23; wherein “determining the set” may mean “common predicates”).

As per claim 14 Chan et al. is directed to comprising the steps of:

enabling a user to request addition of parameters for the query (column 6, lines 11-15);

and programmatically identifying at least one query extension parameter for the query, responsive to a request from the user (column 6, lines 22-23).

As per claim 15 Chan et al. is directed to programmatically identifying step further comprises the step of consulting a lookup table using information regarding the content source (column 6, lines 28-38).



As per claim 16 Chan et al. is directed to the programmatically identifying step further comprises the step of consulting a lookup table using one or more of the obtained query parameters (figures 9a; column 6, lines 26-28).

As per claim 18 Chan et al. is directed to comprising the step of:  
providing the obtained query parameters and the identified extensions for querying the content source (column 5, lines 33-39).

As per claim 19 Chan et al. is directed to comprising the step of:  
enabling a user to select one or more of the programmatically-identified candidate extensions for querying the content source (column 5, line 35; wherein the "identified candidate values" are listed in dropdown box).

As per claim 20 Chan et al. is directed to a system for programmatically building queries, comprising:

means for obtaining a set of one or more query parameters for querying a content source (figure 5, 504; column 6, lines 13-15; wherein "parameters" could mean "predicates");

and means for programmatically identifying, for the obtained query parameters, one or more candidate extensions thereto which are usable for querying the content source (figure 2, 206; column 5, line 35; wherein the identified values are listed in dropdown box).

As per claim 21 Chan et al. is directed to a computer program product for programmatically building queries, the computer program product embodied on one or more computer-readable media and comprising:

computer-readable program code means for obtaining a set of one or more query parameters for querying a content source (column 5, lines 18-19; column 6, lines 13-15; wherein "parameters" could mean "predicates")

and computer-readable program code means for programmatically identifying, for the obtained query parameters, one or more candidate extensions thereto which are usable for querying the content source (figure 2, 206; column 5, lines 18-19; column 5, line 35; wherein the identified values are listed in dropdown box).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 7, 10, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 6,985,899 B2) in view of Dean et al. (US 6,055,512).

As per claim 3, 7, 10, and 17 Chan et al. does not teach the programmatically identifying step further comprises the step of consulting a lookup table using information regarding a user for whom the query will be carried out.

Dean et al. teaches the programmatically identifying step further comprises the step of consulting a lookup table using information regarding a user for whom the query will be carried out (Dean et al.; abstract; column 5, lines 49-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Chan et al. with teachings of Dean et al. to include teaches the programmatically identifying step further comprises the step of consulting a lookup table using information regarding a user for whom the query will be carried out because it may specify one or more data sources from which services of interest to the user could be provided (Dean et al., abstract).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

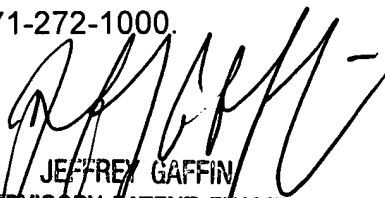
Ruth et al. (US 6,725,230) teaches query generation.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tomasz Ponikiewski  
June 21, 2006

  
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